



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,633	09/26/2003	David G. Boyer	502054-A-01-US (Boyer)	8084

7590 08/04/2005

Ryan, Mason & Lewis, LLP  
Suite 205  
1300 Post Road  
Fairfield, CT 06824

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT PAPER NUMBER

2686

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/672,633

**Applicant(s)**

BOYER ET AL.

**Examiner**

Naghmeh Mehrpour

**Art Unit**

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/27/04, 03/09/05.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### Information Disclosure Statement

1. The information disclosure statement filed reference listed in the information Disclosure Submitted on 2/27/04, 03/09/05, have been considered by the examiner (see attached PTO-1449

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-24, are rejected under 35 U.S.C. 102(e) as being anticipated by Boyer et al.(US Publication 2005/0068167 A1).

Regarding claims 1, 12, 17, Boyer teaches an apparatus/method for delivering a voice mail message to a recipient, comprising:

a memory (0039); and

at least one processor (claim 18), coupled to the memory, operative to (0039):

receive said voice mail message from a sender (0003);

obtain a presence status of said sender from a presence server (0015, 0022); and

Art Unit: 2686

deliver said voice mail message to said recipient to automatically respond to the sender an indication of a presence of said sender (0003, 0022, 0044).

Regarding claims 2, 18, Boyer teaches a method/apparatus wherein said presence server extracts presence information from a plurality of presence data stores (0007).

Regarding claims 3, 19, Boyer teaches a method/apparatus of claim 2, wherein said presence server translates said presence information to a standard format (0024).

Regarding claims 4, 20, Boyer teaches a method/apparatus wherein said presence server determines said presence status of said sender based on one or more rules that aggregate extracted presence information (0030).

Regarding claims 5, 21, Boyer teaches a method/apparatus wherein said recipient responds to said sender in another domain (0005).

Regarding claims 6, 22, Boyer teaches a method/apparatus wherein said presence information indicates if the message sender can be reached at one or more indicated devices (0033).

Regarding claims 7, Boyer teaches a method of claim 1, wherein said presence information is obtained from a user registration process (0039).

Art Unit: 2686

Regarding claims 8, Boyer teaches a method of claim 1, wherein said presence information is obtained by observing activities of a user (0040).

Regarding claims 9, 14, Boyer teaches a method/apparatus wherein said recipient can respond to said sender in real time (0003).

Regarding claims 10, 15, Boyer teaches a method wherein said recipient can respond to said sender in non-real time (0003).

Regarding claims 11, 16, 23, Boyer teaches a method/apparatus wherein said recipient can respond to said sender using a non-textual form of communication (0042).

Regarding claim 13, Boyer teaches a method of claim 12, wherein said providing step allows said recipient to respond to said sender in another domain (0005).

Regarding claim 24, Boyer teaches an apparatus of claim 17, wherein said presence status indicates a presence status of said sender across a plurality of domains (0005).

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Dahan et al.** (US Pub 2004/0196833 A1) disclose distributed gateway for combined communication services

Art Unit: 2686

**Staples et al.** (US Pub 2002/0118671 A1) disclose extending office telephony and network data services to a remote client through the internet

**Nichols et al.** (US Patent 5,987,443) disclose system method for a goal based educational system

**5. Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

July 26, 2005



MELODY MEHROUR  
PATENT EXAMINER

Application/Control Number: 10/672,633

Art Unit: 2686

Page 6